

# AGENDA

## MORGAN CITY PLANNING COMMISSION MEETING October 17<sup>th</sup>, 2023– 7:00 pm Morgan, Utah

The Planning Commission meeting will be held in-person on Tuesday, October 17<sup>th</sup>, 2023, at 7:00pm in the City Council room located at 90 W. Young Street.

The public meeting will be live streamed on YouTube and a recording available on [morgancityut.org](http://morgancityut.org).

### 7:00 p.m. PLANNING COMMISSION GENERAL SESSION MEETING MINUTES

September 19<sup>th</sup>, 2023.

### AGENDA ITEMS

- ITEM #1** Public Hearing-Zoning Request-Residential Single Family (R-1-10)  
Parcel #00-0001-9479; 00-0001-9487; 00-0001-9461; 00-0001-9461 approximately 555 West Oldy Highway Road, Morgan, UT 84050.
- ITEM #2** Public Hearing-Amendment to the Sensitive Lands Ordinance.
- ITEM #3** Public Hearing-Accessory Dwelling Unit Ordinance.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and service) during this meeting should notify the Morgan City Office, 801-829-3461, at least twenty-four hours prior to the meeting. This meeting will be held electronically. Please contact the Morgan City office to participate.

**Posted this 4<sup>th</sup> day of October 2023**

Teresa Shope, Planning & Zoning Secretary



**NOTICE OF PUBLIC HEARING**  
**BY THE PLANNING COMMISSION OF MORGAN, CITY**

Notice is hereby given that the Planning Commission of Morgan City, Utah, will hold a Public Hearing in connection with their meeting on **Tuesday, October 17<sup>th</sup>, 2023, at 7:00 p.m.** The Planning Commission will receive public comment regarding the following items:

- Establishing an Accessory Dwelling Unit Ordinance.
- Amendment to the Sensitive Lands Ordinance.
- Zoning request to a Residential designation R-1-10 from an annexation area approximately 555 West Old Highway Road, Morgan UT 84050.

Morgan City Office is located at 90 West Young Street. The items will be available on the City's website at [www.morgancityut.org](http://www.morgancityut.org).

**MORGAN CITY CORPORATION**

Teresa Shope, City Planning Department  
Date this 4<sup>th</sup> day of October 2023

# Planning Commission Meeting

**Minutes of Morgan City Planning Commission GENERAL meeting held in open public session on September 19<sup>th</sup>, 2023, at 7 p.m.**

## MINUTES

SEPTEMBER 19<sup>TH</sup>, 2023 7:00 PM

MORGAN CITY COUNCIL ROOM

MEETING CALLED BY	Chair, Nathan McClellan
MEMBERS	In-person: Mark Francis, Erin Bott, Justin Rees, Ray Little. Electronically: Jay Ackett.
EXCUSED	Lance Prescott and Wes Woods
CITY STAFF	In-person: City Planner, Jake Young; City Council, Tony London; Mayor, Steve Gale; City Manager, Ty Bailey. Electronically: Planning Legal Counsel, Steve Garside; City Council, David Alexander.
OTHERS PRESENT	
INTRODUCTION	Chair, Nathan McClellan welcomed those in attendance. Mr. McClellan advised the group that the meeting will be a video as well as audio recording. That the video and audio will be on the Morgan City website as well as you tube account and will be a permanent record.

## GENERAL SESSION 7:00pm

### MINUTES AUGUST 15<sup>TH</sup>, 2023, PLANNING COMMISSION MEETING

DISCUSSION	No discussion on the minutes.
MOTION	Ray Little moved to approve the Planning Commission minutes for August 15 <sup>th</sup> , 2023, as presented. Second: Justin Rees Unanimous

### ITEM #1 DRAFT ORDINANCE REVIEW-ACCESSORY DWELLING UNITS

DISCUSSION	Chair, Nathan McClellan stated that the commission has been working on the Accessory Dwelling Units Ordinance (ADU) for several meetings and tonight is a final review prior to a public hearing. Nathan turned the time over to Planner, Jake Young.  Jake stated that the draft before the commission has been cleaned up with the recommended changes from the commission and if the commission is good with the document, the document will be put into final ordinance form and have a public hearing.
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	<p>The commission along with staff reviewed the document with a few remaining decisions to be made. The commission discussed the maximum footprint size of a detached accessory dwelling unit with some members questioning why there is a maximum footprint size and some members adamite that a maximum size limit is appropriate. Planner, Jake Young indicated most all cities have a maximum footprint size as the unit is accessory to the main home. The commission concluded to leave the maximum footprint size of a detached unit in the ordinance as well as continued review the document with minor changes.</p> <p>At the conclusion of the discussion, the commission directed staff to create the final ordinance form and have the item on the agenda for a public hearing at the next scheduled Planning Commission meeting.</p>
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## ITEM #2 DISCUSSION-SHORT-TERM RENTALS

	<p>In August, the City Council had a combined work session with the Planning Commission to discuss short term rentals. Nathan turned the time over to Jake Young. During the combined work session, the Commission heard from the City Council and the takeaway was not necessarily a clear direction. Some members did not think the city needs an ordinance and to let the free market decide and some wanted an ordinance in place.</p> <p>Jake stated that before the commission tonight is to discuss the alternatives before the commission. Jay Ackett stated that he works with clients which chose short-term rentals as high risk, high reward and Jay would like designated areas. Jake stated there are cities that have short-term rental communities/developments and could be an option for Morgan City.</p>
DISCUSSION	<p>Justin Rees alluded to a comment by Attorney Crane at the combined meeting and again tonight by Ty Bailey that the commission can chose not to propose a Land Use Ordinance governing short-term rentals and just use the business license Ordinance and fee schedule to govern. Justin stated that governing through business licensing doesn't clog up more regulation than is necessary and is in favor of this option. Justin continued discussing tourism and the need for accommodation options. Nathan also agreed of the option for regulating through business licensing.</p> <p>The Commission along with staff continued discussing the pros and cons for land use regulations of short-term rentals with Ty Bailey giving some examples from other cities. Erin Bott as well as the other commission members concurred that regulating short-term rentals be through the business license and nuisance ordinance and not through land use requirements.</p>

## ITEM #3 RURAL OPPORTUNITIES GRANT UPDATE

UPDATE	Ty Bailey, City Manager gave an update on current projects, money allocation and completed projects.
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## ITEM #4 DISCUSSION-SENSITIVE LANDS ORDINANCE

DISCUSSION	<p>Jake stated in the Sensitive Lands Ordinance, it says that the maximum number of lots for a single point access is 20 and the city is seeing a number of developments that are like town homes on a single lot. Code reference.</p> <p><i>10.22.505(F)5. Points of access shall be provided to all developed and undeveloped acres for emergency and firefighting equipment. Double access points shall be encouraged and shall be required for developments in excess of twenty (20) lots.</i></p>
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	Jake continued stating that development applications are seen with 20 or 30+ town homes on a single lot or multiple units exceedingly more than 20 units with a single access point on one lot and that a change of language to units instead of lots would be more with the intent on the code. The change of language gives engineering and planning the leverage requiring a developer to have multiple access points and a bit of public safety. Jake believes that when the code was written, Morgan was mostly building single-family homes with the mindset, one lot one dwelling unit. Changing the language from lots to units (dwelling units) will clarify the intent of the code. A public hearing is required when amending the Land Use Code. The item will be on the next scheduled Planning Commission meeting as a public hearing with a recommendation to the City Council.
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## ITEM #5

### **DISCUSSION-ANNEXATION PETITION OF 54.17 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 555 WEST OLD HIGHWAY ROAD, 936 AND 1075 NORTH 700 EAST, AND 1050 NORTH 600 WEST, MORGAN, UTAH, AS REQUESTED BY LISA C. PREECE**

<b>DISCUSSION</b>	<p>Nathan McClellan introduced the item and turned the time over to Jake Young. Jake pulled up a presentation depicting the area of the annexation petition. Nathan was curious of the history of any annexation to the city. Jake stated that in a brief conversation with staff, they can not remember any annexation petition in the last 20 years.</p> <p>Jake explained that a property owner, as long as their property is in the annexation declaration area, can petition to become part of Morgan City boundaries. Jake continued explaining that the approval of an annexation is a legislative function which that process has extensive requirements and timeline. The petition has been accepted by the City Council and will continue the process through that legislative body. The purpose of the discussion is for the commission to be aware of the annexation and that in the next month, the commission will be making a decision on a recommendation of zoning designation to forward to the City Council for consideration.</p> <p>Jake continued the presentation showing the petition area from approximately the city boundary line on 700 East westward to 555 West and west on Old Highway Road. The westerly border would be the current dirt road that leads over the railroad tracks and continues a little past the Weber River abutting the city boundaries on the north side of the railroad tracks. Again the commission is doing a recommendation to the City Council for the zoning designation and not regarding the annexation petition.</p> <p>The commission along with staff discussed the zoning options concluding the current city boundary zoning that abuts the petition area would be appropriate and that the applicant will be submitting their request of zoning density. Nathan asked why the petition by the applicant. Jake indicated the property owner will gain more development options by annexation. They would gain density from a country setting as well as city services.</p>
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## ADJOURNMENT:

This meeting was adjourned at 9:15 pm.

\_\_\_\_\_  
Teresa Shope, Secretary

These minutes were approved at the \_\_\_\_\_ Meeting.

## zoning Request

September 30, 2023

Attention: Teresa Shope, Jake Young and Morgan City Counsel

We would like to respectfully request rezoning the following properties to R-1-10.

Shaun and Lisa Preece, parcel # 00-0001-9479

Arlene Christensen, Parcel # 00-0001-9487

Waylon and Michaela Preece, Parcel # 00-0001-9461

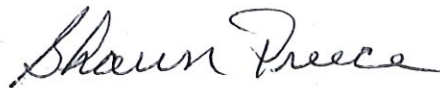
Blake and Eugenia Rowser, Parcel # 00-0001-9453

We are requesting rezoning to R-1-10 as this will allow us to make the best use of our properties. We feel that because this is our property, we should be allowed to use it for what best suit our needs within reason. Our properties are also on the west edge of the city limits. Shaun and Lisa Preece would like to put their existing house on .25 of the acre, the remainder of the property will be used to build 1 home and a shop.

The subdivision to the east of our properties are all on small lots, so we feel we should be allowed to rezone to smaller lots as well.

Thanks,

Shaun Preece



Blake Rowser



Waylon Preece



Arlene Christensen







## ORDINANCE

### AN ORDINANCE AMENDING

**PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND  
PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning Commission of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend the Sensitive Lands District Ordinance 10.22.050 to clarify that developments with greater than 20 residential dwelling units of all types are required to have double access points.

**WHEREAS**, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend this ordinance for public safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
MORGAN, UTAH:**

#### **10.22.050 DEVELOPMENT STANDARDS F 5.**

Points of access shall be provided to all developed and nondeveloped acres for emergency and firefighting equipment. Double access points shall be encouraged and shall be required for developments in excess of twenty (20) lots. **dwelling units, including all types of residential dwelling units or lots.**

**SECTION 1 Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION 2. Enactment.** of the Morgan City Code is hereby enacted/amended to read as follows:

**SECTION 3. Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon posting.

**OR**

This ordinance shall go into effect at the expiration of the 20<sup>th</sup> day after publication or posting or the 30<sup>th</sup> day after final passage as noted below or whichever of said days is the most remote from the date of passage thereof.



**PASSED AND ADOPTED** by the City Council of Morgan, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
STEVE GALE, Mayor

ATTEST:

\_\_\_\_\_  
DENISE WOODS, City Recorder

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>	<b>Excused</b>
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

**(In the event of a tie vote of the Council):**

Mayor Gale	_____	_____
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## **ORDINANCE**

### **AN ORDINANCE AMENDING: Chapter 10 Land Use Regulations and Adding Section 16.180 Accessory Dwelling Units**

#### **PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning Commission of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend the Sensitive Lands District Ordinance 10.22.050 to follow the State Code of Utah

**WHEREAS**, the City Council of Morgan City deems it to be in the best interest of the citizens of Morgan City to amend this ordinance for public safety.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MORGAN, UTAH:**

#### **16.180.01 Purpose**

1. Accessory Dwelling Units (ADUs) in single-family residential zones are an essential tool in the City's overall housing goals and needs. ADUs allow for alternative and flexible housing options in single-family residential neighborhoods. The purposes of the ADU standards of this code are to:
  - A. Create new housing units while respecting the appearance, neighborhood character, and scale of single-family residential development.
  - B. Provide more housing choices in residential zones.
  - C. Allow more efficient use of existing streets, utilities, homes, and large underutilized yards.
  - D. Provide housing options for family caregivers, adult children, aging parents, newly established households, and families seeking flexible housing solutions.
  - E. Offer a means for residents, seniors, single parents, and families with older children to remain in their homes and neighborhoods and obtain extra income, security, companionship, and services.
  - F. Broaden the range of affordable housing options throughout the City.
  - G. Comply with State codes and land use laws.

#### **16.180.02 Interpretation**

The City intends that adopting this ordinance shall not be understood as increasing the residential lot/unit density of the underlying zone designation. An ADU shall always be an accessory to the principal dwelling.

#### **16.180.03 Applicability**

1. Lots are eligible for an accessory dwelling unit if:
  - A. The property is owner-occupied as defined in this ordinance.

- B. The use of the lot at the time of application and any time after that is single-family residential.
- C. The lot is in an R (residential) or A (agriculture) zone (See ADU uses table).
- D. Greater than 6,000 square feet

#### **16.180.04 Definitions**

1. **Accessory Dwelling Unit (ADU)** An ADU is an independent habitable living unit with a kitchen, bath facilities, sleeping quarters, and entryway (to the outside). ADUs do not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels. ADUs require a permanent foundation.

2. **Internal Accessory Dwelling Unit (IADU)** means an Accessory Dwelling Unit created within the primary dwelling footprint. IADUs are created within an existing footprint of a home. The attached garages are part of the dwelling footprint. IADUs require a permanent foundation. The ADU must be fully enclosed, including any connection to the primary structure.

3. **Attached Accessory Dwelling Unit (AADU)** means an Accessory Dwelling Unit that is constructed directly or added as part of the existing primary dwelling home. AADUs require a permanent foundation. The ADU must be fully enclosed, including any connection to the primary structure.

4. **Detached Accessory Dwelling Unit (DADU).** A DADU is an independent habitable living unit with a kitchen, bath facilities, and sleeping quarters separate from the primary dwelling unit. Detached Accessory Dwelling Units may be standalone or located over detached garages. DADUs do not include motor homes, fifth-wheels, travel trailers, campers, or other housing units on wheels. DADUs require a permanent foundation.

#### **16.180.05 ADU – Land Use Chart**

Table 1

\*New residential homes are not allowed in Commercial Zones. Internal ADUs are allowed for

<b>Zones</b>	<b>Use</b>	<b>Permitted or Conditional Use</b>	<b>Use Limitations or Specific Standards</b>
A, RR, R-1-20, R 1-12, R-1-10, C*	Internal/Attached ADU	Permitted	See Design Standards
A, RR, R-1-20, R 1-12, R-1-10	Detached ADU	Permitted	See Design Standards

existing residential in Commercial zones as a non-conforming use. Attached and Detached ADUs are not permitted in Commercial zones.

#### **16.180.06 Permitted And Conditional Uses And Limitations**

ADUs are permitted uses as set forth in the Utah Code. Internal and Attached ADUs are both classified as Attached ADUs in this ordinance.

#### **16.180.07 ADU Application**

1. Application shall be submitted to the City Planning Department and must include, at a minimum, the following:
  - a. Documentation that demonstrates the property is owner-occupied. The Owner's name must be on the County's property records directly or via legal documentation proving ownership.
  - b. A properly scaled site plan and floor plans of all buildings on the lot. Plans shall include all existing and proposed structures and driveways.
  - c. If located within the Sensitive Lands District, a Plot Plan complete with grading will be reviewed by City Staff.
    - i. If located within a Flood Plain, the City's ordinance applies (Title 1). City Staff will review plans.
  - d. Fee. The initial application fee for any ADU shall be paid. The payment of a partial application fee or the submittal of plans for a pre-submittal review shall not constitute a complete application. Fees shall be as set forth in the City's fee schedule.
  - e. Only applications deemed complete by the City Staff shall be processed. Complete applications include appropriate application forms, signatures, and documents.
2. The application review shall, at a minimum, consist of the following:
  - A. CityStaff shall administer an application review procedure in which the proposed use and site development plan is evaluated for compliance with all applicable ordinances and codes.
  - B. Referral of the application to all affected entities.
  - C. Staff reviewing the application may involve other City Departments for additional considerations or conditions to meet all applicable standards adequately.
3. City staff shall present in writing a determination of the review's outcome.
4. If City staff determines that an accessory dwelling unit complies with the provisions of this chapter, then a notice of compliance shall be recorded on the property at the Morgan County Recorder's Office.
  - A. Notices that demonstrate compliance with the City's land use regulations and state statute shall include, at a minimum, the following:
    1. a description of the primary dwelling;
    2. a statement that the primary dwelling or lot contains an ADU;
    3. a statement that the ADU may only be used in accordance with the City's land use regulations.
    4. A denied approval application may be appealed through the appeal authority.



#### **16.180.08 Standards for all ADUs (Attached and Detached)**

1. An accessory dwelling unit as a standalone unit shall not be sold separately or subdivided from the principal dwelling unit or lot. All ordinances and subdivision ordinances apply to any and all subdivisions.
2. The design and size of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health, Flood Plain ordinance, and any other applicable codes. When a new ADU is proposed in an existing single-family dwelling, the entire ADU shall be compliant with all applicable standards.
3. Detached or Attached ADUs in Sensitive Lands areas will be reviewed by City staff.
4. The installation of separate utility meters is prohibited.
5. Setbacks for Attached ADUs shall be the same as the main structure.
6. Design Standards. The ADU, attached or detached, shall incorporate at least one of the exterior materials used in the principal dwelling for twenty-five percent (25%) of all facades of the structure. The ADU must have a pitched roof unless the principal dwelling has a flat roof, in which case an ADU may have a flat roof or a pitched roof. The ADU shall maintain the same colors of the primary dwelling for at least sixty percent (60%) of all facades.
7. The outside entrance of the ADU must have a sidewalk to the driveway parking area.
8. Detached ADUs are prohibited on flag lots. An IADU/AADU may be located on a flag lot.
9. ADUs may not be built within a recorded easement.
10. Long-term renting ADUs requires a business permit. All ADU landowners who are renting ADUs must obtain a business permit (annually). The business permit must be renewed annually and may be revoked for landowners failing to comply with City ordinances.
11. Short-term renting is per business licensing and City ordinances.
12. No more than one family may rent the ADU at any time.

#### **16.180.09 Development Standards For Attached Accessory Dwelling Units**

1. Internal ADUs are regulated under Utah Code Ann. 10-9a-530, and additionally, Attached/Internal ADUs shall;
  - A. Be prohibited on lots less than 6,000 square feet or less;
  - B. Have one off-street parking stall for the Internal ADU. Parking shall be asphalt or concrete. The existing home must continue to meet the required parking.
  - C. Not change the appearance of the primary dwelling as a single-family dwelling.
  - D. Prohibited separate utility meters
  - E. Are not permitted in a mobile home.
  - F. ADU additions or remodels must match the home in architectural styles, materials, form, and colors. The attached ADU/remodel requires architectural floor plans, color elevation drawings, and standard building plans.

#### **16.180.10 Development Standards For Detached Accessory Dwelling Units**

1. A Detached ADU shall be a permanent structure. Trailers, mobile homes, and other portable structures, including all structures with wheels shall not be permitted as a Detached ADU.
2. Exterior lighting shall provide illumination directed downward. The light source shall not be visible from adjacent properties.
3. Parking shall be seven (7) feet from an adjacent property.
4. Detached ADUs shall not be built on slopes of 30% or greater.
5. Detached ADU setbacks shall be according to Table 2. Exterior stairways and landing shall not encroach into a setback.
6. Detached ADUs are required to match the primary dwelling in architectural styles, materials, form, and colors. Detached would require an architectural floor plan and color elevation drawings, in addition to standard building plans.
7. All Detached ADUs require their own building permit even if they are building both units at the same time.

#### **16.180.011 Detached ADU Standards**

Table 2

Minimum Lot Size	10,000 square feet
Front Setback	DADU must be located 5 feet behind the front façade of the primary dwelling unit
Side setback (internal)	10 feet
Side setback (corner)	15 feet
Rear Setback	10 feet
Distance from the primary structure	10 feet
Distance from the fire hydrant	Detached ADU shall not be greater than 250 feet from the fire hydrant.
Parking stalls	One stall per bedroom, up to two stalls are required. Parking for the primary dwelling unit according to the zoning ordinance.
Height	25'
Size	The main floor of the Detached ADU shall not be greater than the existing square footage of the Primary Dwelling main floor (living area) or a maximum main floor square footage of 1,000 square feet.
Occupancy Limit	One family
Maintaining open space/Lot coverage	See maximum lot coverage per ordinance.

#### **16.180.12 Termination**

1. If a property owner is found to be in violation of this Title, the City may revoke the use of an ADU on the property.

#### **16.180.13 Addressing**

A separate address for all ADUs shall be established by the City. Typically, an Attached ADU shall have the same address as the primary residence with the addition of the letter B, and a Detached ADU shall have the letter C added to it. ADUs shall use a PO Box for mail service delivery.

#### **16.180.14 Enforcement And Noticing**

1. In addition to any other legal or equitable remedies available to a municipality, the City may hold a lien against a property that contains an internal accessory dwelling unit if:
  - A. The Owner of the property violates any provisions of this Title and any other applicable section of the code;
  - B. The City provides a written notice of violation.
  - C. The property owner fails to cure the violation within the time period prescribed in the written notice.
  - D. The City provides a written notice of lien in accordance with the section.
  - E. The City records a copy of the written notice of lien with the County Recorder.
2. The written notice of violation shall:
  - A. Describe the specific violation;
  - B. Provide the Owner of the ADU a reasonable opportunity to cure the violation that is:
    - i. No less than 14 days after the day on which the City sends the written notice of violation if the violation results from the Owner renting or offering to rent the ADU as a short-term rental; or
    - ii. No less than 30 days after the day the municipality sends the written notice of violation for any other violation.
  - C. State that if the Owner of the property fails to cure the violation within the time period described above, the municipality may hold a lien against the property in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - D. Notify the Owner of the property:
    1. That the Owner of the property may file an appeal of the notice of violation within ten (10) business days after the day on which the written notice of violation is postmarked or posted on the property; and
    2. Of the name and address of the City office where the Owner of the property may file the written objection;
1. Be mailed to:

- A. The property's Owner of record; and
  - B. Any other individual designated to receive notice in the Owner's license or permit records and be posted on the property.
- 3. The written notice of lien shall:
  - A. Comply with Utah Code Ann. Section 38-12-102;
  - B. State that the property is subject to a lien;
  - C. Specify the lien amount, in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires;
  - D. Be mailed to:
    - i. The property's Owner of record and
    - ii. Any other individual designated to receive notice in the Owner's license or permit records and be posted on the property.
- 4. Appeals. A property owner that receives a written notice of violation or a written notice of lien may file an appeal in accordance with City's appeal process.
  - A. If the Owner of property files a written objection to a notice of violation, the City may not record a lien until a hearing is held to determine that the specific violation occurred.
  - B. If City determines at the hearing that the specific violation has occurred, City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires, regardless of whether the hearing is held after the day on which the opportunity to cure the violation has expired.
  - C. If the Owner of the property cures a violation within the time period prescribed in the written notice of violation, City may not hold a lien against the property or impose any penalty or fee on the Owner in relation to the specific violation described in the written notice of violation.
- 5. Upon issuing a permit or business license for an ADU, the City may record a notice in the office of the Morgan County Recorder. Upon recording a notice, the City shall deliver a copy of the notice to the property owner via First Class Mail. The notice shall include:
  - A. A description of the primary dwelling;
  - B. A statement that the primary dwelling contains an ADU; and
  - C. A statement that the ADU may only be used in accordance with City ordinances.

#### **16.180.15 Existing Buildings**

- 1. The property owner shall have the burden of establishing that the building was legally created. City staff shall review the application in the following procedure:
  - A. The Owner or applicant seeking determination shall apply with the City and pay all applicable fees, including any additional expenses incurred resulting from staff providing research.
  - B. The application shall include evidence that clearly establishes the existing building lawfully existed at the time it was created.
  - C. Acceptable evidence may include:



1. Historical zoning maps clearly identify the use and structure that existed.
  2. Historical zoning code supporting historical zoning maps.
  3. Previously issued building permits.
  4. Previously issued conditional use permits.
  5. Documentation supporting a variance was granted or issued for the use or structure.
  6. Aerial imagery that clearly establishes use or structure existed.
  7. Court Orders or Judgements.
  8. Affidavits from previous property owners attesting to the use/structure.
  9. Evidence of utility connections.
  10. A building inspection that certifies that the building or structure was compliant with the codes in effect at the time it was built.
  11. A building inspection certifying that the structure/ADU meets all building codes and safety measures.
2. The Owner has the burden of making the ADU to make it complying with City and Building Codes.

**SECTION 1 Repealer.** If any provisions of the Morgan City Code heretofore adopted are inconsistent herewith they are hereby repealed.

**SECTION 2. Enactment.** of the Morgan City Code is hereby enacted/amended to read as follows:

**SECTION 3. Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately upon posting.

**OR**

This ordinance shall go into effect at the expiration of the 20<sup>th</sup> day after publication or posting or the 30<sup>th</sup> day after final passage as noted below or whichever of said days is the most remote from the date of passage thereof.

**PASSED AND ADOPTED** by the City Council of Morgan, Utah, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
STEVE GALE, Mayor

ATTEST:

\_\_\_\_\_  
DENISE WOODS, City Recorder

**CITY COUNCIL VOTE AS RECORDED:**

	<b>Aye</b>	<b>Nay</b>	<b>Excused</b>
Councilmember London	_____	_____	_____
Councilmember Wardell	_____	_____	_____
Councilmember Turner	_____	_____	_____
Councilmember Richins	_____	_____	_____
Councilmember Alexander	_____	_____	_____

**(In the event of a tie vote of the Council):**

Mayor Gale	_____	_____
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